

SENATE BILL 164

M3

2lr1256
CF HB 229

By: **Senator Conway**

Introduced and read first time: January 19, 2012

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 2012

CHAPTER _____

1 AN ACT concerning

2 **Maryland Plastic Bag Recycling Act**

3 FOR the purpose of authorizing certain fees to be deposited in the State Recycling
4 Trust Fund; prohibiting a plastic carryout bag manufacturer from providing,
5 selling, or offering for sale a plastic carryout bag for use or distribution in the
6 State unless certain language is printed or displayed on the bag and the
7 manufacturer has registered with the Department of the Environment in a
8 certain manner; authorizing a plastic carryout bag manufacturer to fulfill
9 certain requirements of this Act in a certain manner; requiring a plastic
10 carryout bag manufacturer to register with the Department in a certain manner
11 and on or before a certain date; establishing a plastic carryout bag
12 manufacturer registration fee; requiring a plastic carryout bag manufacturer to
13 develop and implement a certain plan in accordance with certain requirements;
14 providing that each plastic carryout bag manufacturer is responsible for all
15 costs associated with the development and implementation of its plan; requiring
16 the Department to deposit certain fees in the State Recycling Trust Fund;
17 requiring the Department, within a certain time period, to post on its Web site a
18 certain plan and notice of a certain comment period; requiring the Department
19 to review, approve, or require the revision of a certain plan; ~~authorizing the~~
20 ~~Department to comment on a certain plan;~~ requiring a plastic carryout bag
21 manufacturer to accept certain comments on a certain plan and to respond,
22 revise, and resubmit the plan under certain circumstances; determining when a
23 certain plan shall be considered final; requiring the Department to post a
24 certain final plan on the Department's Web site within a certain period of time
25 after approving the plan; requiring each plastic carryout bag manufacturer, on

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 or before a certain date, to establish a certain educational program and develop
 2 and make available to retailers certain educational materials; beginning on a
 3 certain date, requiring each plastic carryout bag manufacturer to establish
 4 goals to include a certain percentage of recycled content in plastic carryout bags
 5 it manufactures for use or distribution in the State by a certain year;
 6 prohibiting a retailer, distributor, or wholesaler, beginning on a certain date,
 7 from purchasing plastic carryout bags from certain manufacturers; requiring
 8 the Department to maintain and post on its Web site, beginning on a certain
 9 date, certain lists; requiring a plastic carryout bag manufacturer to submit a
 10 certain annual report to the Department; providing that a county or
 11 municipality is not prohibited from adopting certain ordinances, resolutions,
 12 regulations, or rules under certain circumstances; establishing certain penalties
 13 for certain violations; providing for the recovery of the penalties in certain civil
 14 actions; requiring that certain civil penalties be deposited into a certain fund;
 15 ~~requiring~~ authorizing the Department to adopt certain regulations; defining
 16 certain terms; providing for the construction of this Act; requiring the Secretary
 17 of the Environment to submit a certain report to the General Assembly on or
 18 before a certain date; providing for the termination of this Act; and generally
 19 relating to the recycling of plastic carryout bags.

20 BY repealing and reenacting, with amendments,
 21 Article – Environment
 22 Section 9–1701 and 9–1707(f)(2)
 23 Annotated Code of Maryland
 24 (2007 Replacement Volume and 2011 Supplement)

25 BY repealing and reenacting, without amendments,
 26 Article – Environment
 27 Section 9–1707(f)(1)
 28 Annotated Code of Maryland
 29 (2007 Replacement Volume and 2011 Supplement)

30 BY adding to
 31 Article – Environment
 32 Section 9–1733 through 9–1743 to be under the new part “Part V. Plastic
 33 Carryout Bag Recycling”
 34 Annotated Code of Maryland
 35 (2007 Replacement Volume and 2011 Supplement)

36 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 37 MARYLAND, That the Laws of Maryland read as follows:

38 **Article – Environment**

39 9–1701.

40 (a) In this subtitle the following words have the meanings indicated.

1 (b) “Compost” means the product of composting in accordance with the
2 standards established by the Secretary of Agriculture under § 6–221 of the Agriculture
3 Article.

4 (c) “Composting” means the controlled biological decomposition of organic
5 waste material in accordance with the standards established by the Secretary under
6 this title.

7 (d) (1) “Computer” means a desktop personal computer or laptop
8 computer, including the computer monitor.

9 (2) “Computer” does not include:

10 (i) A personal digital assistant device;

11 (ii) A computer peripheral device, including:

12 1. A mouse or other similar pointing device;

13 2. A printer; or

14 3. A detachable keyboard.

15 (e) (1) “Covered electronic device” means a computer or video display
16 device with a screen that is greater than 4 inches measured diagonally.

17 (2) “Covered electronic device” does not include a video display device
18 that is part of a motor vehicle or that is contained within a household appliance or
19 commercial, industrial, or medical equipment.

20 (f) “Covered electronic device takeback program” means a program,
21 established by a covered electronic device manufacturer, for the collection and
22 recycling, refurbishing, or reuse of a covered electronic device labeled with the name of
23 the manufacturer or the manufacturer’s brand label, including:

24 (1) Providing, at no cost to the returner, a method of returning a
25 covered electronic device to the manufacturer, including postage paid mailing
26 packages or designated collection points throughout the State;

27 (2) Contracting with a recycler, local government, other manufacturer,
28 or any other person; or

29 (3) Any other program approved by the Department.

30 (g) “Director” means the Director of the Office of Recycling.

1 **(H) “DISTRIBUTOR OR WHOLESALER” MEANS A PERSON WHO BUYS OR**
2 **OTHERWISE ACQUIRES PLASTIC CARRYOUT BAGS FROM ANOTHER SOURCE AND**
3 **PROVIDES, SELLS, OR OFFERS TO SELL THE PLASTIC CARRYOUT BAGS TO A**
4 **RETAILER DOING BUSINESS IN THE STATE.**

5 **[(h)] (I)** “Manufacturer” means a person that is the brand owner of a
6 covered electronic device sold or offered for sale in the State, by any means, including
7 transactions conducted through sales outlets, catalogs, or the Internet.

8 **[(i)] (J)** (1) “Natural wood waste” means tree and other natural
9 vegetative refuse.

10 (2) “Natural wood waste” includes tree stumps, brush and limbs, root
11 mats, logs, and other natural vegetative material.

12 **[(j)] (K)** (1) “Natural wood waste recycling facility” means a facility
13 where recycling services for natural wood waste are provided.

14 (2) “Natural wood waste recycling facility” does not include a collection
15 or processing facility operated by:

16 (i) A nonprofit or governmental organization located in the
17 State; or

18 (ii) A single individual or business that provides recycling
19 services for its own employees or for its own recyclable materials generated on its own
20 premises.

21 **[(k)] (L)** “Office” means the Office of Recycling within the Department.

22 **(M) “PLASTIC CARRYOUT BAG” MEANS A PLASTIC CARRYOUT BAG**
23 **PROVIDED BY A RETAILER TO A CUSTOMER AT THE POINT OF SALE.**

24 **(N) “PLASTIC CARRYOUT BAG MANUFACTURER” MEANS THE PRODUCER**
25 **OF A PLASTIC CARRYOUT BAG THAT IS PROVIDED, SOLD, OR OFFERED FOR SALE**
26 **TO A RETAILER DOING BUSINESS IN THE STATE.**

27 **[(l)] (O)** “Recyclable materials” means those materials that:

28 (1) Would otherwise become solid waste for disposal in a refuse
29 disposal system; and

30 (2) May be collected, separated, or processed and returned to the
31 marketplace in the form of raw materials or products.

1 [(m)] (P) (1) “Recycling” means any process in which materials that
2 would otherwise become solid waste are collected, separated, or processed and
3 returned to the marketplace in the form of raw materials or products.

4 (2) “Recycling” includes composting.

5 [(n)] (Q) “Recycling services” means the services provided by persons
6 engaged in the business of recycling, including the collection, processing, storage,
7 purchase, sale, or disposition of recyclable materials.

8 [(o)] (R) “Resource recovery facility” means a facility in existence as of
9 January 1, 1988 that:

10 (1) Processes solid waste to produce valuable resources, including
11 steam, electricity, metals, or refuse–derived fuel; and

12 (2) Achieves a volume reduction of at least 50 percent of its solid waste
13 stream.

14 (S) **“RETAILER” MEANS A PERSON ENGAGED IN THE BUSINESS OF**
15 **MAKING SALES AT RETAIL THAT GENERATE SALES AND USE TAX REVENUE.**

16 [(p)] (T) (1) “Solid waste stream” means garbage or refuse that would,
17 unless recycled, be disposed of in a refuse disposal system located in this State.

18 (2) “Solid waste stream” does not include:

19 (i) Hospital waste;

20 (ii) Rubble;

21 (iii) Scrap material;

22 (iv) Land clearing debris;

23 (v) Sewage sludge; or

24 (vi) Waste generated by a single individual or business and
25 disposed of in a facility dedicated solely for that entity’s waste.

26 [(q)] (U) (1) “Video display device” means an electronic device with an
27 output surface that displays or is capable of displaying moving graphical images or
28 visual representations of image sequences or pictures that show a number of quickly
29 changing images on a screen to create the illusion of motion.

1 (2) “Video display device” includes a device that is an integral part of
2 the display and cannot easily be removed from the display by the consumer and that
3 produces the moving image on the screen.

4 (3) A video display device may use a cathode-ray tube (CRT), liquid
5 crystal display (LCD), gas plasma, digital light processing, or other image-projection
6 technology.

7 **[(r)] (v)** “White goods” includes:

8 (1) Refrigerators;

9 (2) Stoves;

10 (3) Washing machines;

11 (4) Dryers;

12 (5) Water heaters; and

13 (6) Air conditioners.

14 **[(s)] (w)** (1) “Yard waste” means organic plant waste derived from
15 gardening, landscaping, and tree trimming activities.

16 (2) “Yard waste” includes leaves, garden waste, lawn cuttings, weeds,
17 and prunings.

18 9–1707.

19 (f) (1) There is a State Recycling Trust Fund.

20 (2) The Fund shall consist of:

21 (i) The newsprint recycling incentive fee;

22 (ii) The telephone directory recycling incentive fee collected
23 under § 9–1709 of this subtitle;

24 (iii) The covered electronic device manufacturer registration fee
25 collected under § 9–1728 of this subtitle;

26 (iv) The mercury switch or mercury switch assembly removal
27 fees collected under § 6–905.4(c)(6)(iii)3 of this article;

28 **(v) THE PLASTIC BAG MANUFACTURER REGISTRATION FEE**
29 **COLLECTED UNDER § 9–1735 OF THIS SUBTITLE;**

1 [(v)] (VI) All fines and penalties collected under this subtitle
2 and under §§ 6–905.4 and 6–905.6 of this article;

3 [(vi)] (VII) Money appropriated in the State budget to the Fund;
4 and

5 [(vii)] (VIII) Any other money from any other source accepted for
6 the benefit of the Fund.

7 **9–1731. RESERVED.**

8 **9–1732. RESERVED.**

9 **PART V. PLASTIC CARRYOUT BAG RECYCLING.**

10 **9–1733.**

11 **A PLASTIC CARRYOUT BAG MANUFACTURER MAY NOT PROVIDE, SELL, OR**
12 **OFFER FOR SALE A PLASTIC CARRYOUT BAG FOR USE OR DISTRIBUTION IN THE**
13 **STATE UNLESS:**

14 **(1) THE NAME OF THE PLASTIC CARRYOUT BAG MANUFACTURER**
15 **IS PRINTED OR DISPLAYED ON THE BAG IN A MANNER READILY IDENTIFIABLE**
16 **TO THE CONSUMER; AND**

17 **(2) THE MANUFACTURER HAS REGISTERED WITH THE**
18 **DEPARTMENT AS REQUIRED UNDER THIS PART.**

19 **9–1734.**

20 **EXCEPT FOR SUBMISSION OF THE REGISTRATION FORM AND FEE**
21 **REQUIRED BY § 9–1735(A)(1) AND (2) OF THIS PART, A PLASTIC CARRYOUT BAG**
22 **MANUFACTURER MAY FULFILL THE REQUIREMENTS OF THIS PART**
23 **INDIVIDUALLY OR IN PARTICIPATION WITH OTHER PLASTIC CARRYOUT BAG**
24 **MANUFACTURERS OR SUBCONTRACTORS.**

25 **9–1735.**

26 **(A) BEGINNING ON OR BEFORE JANUARY 1, 2013, A PLASTIC CARRYOUT**
27 **BAG MANUFACTURER SHALL REGISTER EVERY 2 YEARS BY SUBMITTING TO THE**
28 **DEPARTMENT:**

29 **(1) A COMPLETED REGISTRATION FORM AS PRESCRIBED BY THE**
30 **DEPARTMENT ~~IN REGULATION;~~**

1 (2) A \$250 REGISTRATION FEE THAT IS PAID TO THE
2 DEPARTMENT AT THE TIME OF THE INITIAL REGISTRATION AND EVERY 2 YEARS
3 THEREAFTER BY THE FIRST DAY OF THE MONTH IN WHICH THE INITIAL
4 REGISTRATION FEE WAS PAID; AND

5 (3) A PLAN, DEVELOPED BY THE MANUFACTURER, TO
6 IMPLEMENT THE COLLECTION AND RECYCLING OF PLASTIC CARRYOUT BAGS
7 THAT:

8 (I) DESCRIBES THE RECYCLING PROGRAM TO BE
9 IMPLEMENTED, INCLUDING PROVISIONS FOR:

10 1. COLLECTION, STORAGE, TRANSPORT, AND
11 ~~PROCESSING~~ RECYCLING;

12 2. COLLECTION LOCATIONS;

13 3. RELATED PROMOTIONS AND EVENTS; AND

14 4. ANY OTHER INVOLVED PERSONS;

15 (II) MAY INCLUDE INFORMATION RELATING TO ANY
16 AGREEMENT BETWEEN THE PLASTIC CARRYOUT BAG MANUFACTURER AND A
17 RETAILER;

18 (III) DESCRIBES THE PERFORMANCE MEASURES TO BE USED
19 TO DOCUMENT EFFORTS TO COLLECT AND RECYCLE PLASTIC CARRYOUT BAGS;

20 (IV) LISTS THE METHODS THE MANUFACTURER WILL USE TO
21 RECYCLE THE PLASTIC CARRYOUT BAGS THAT IT COLLECTS;

22 ~~(IV)~~ (V) INCLUDES THE DEVELOPMENT OF EDUCATIONAL
23 MATERIALS TO ENCOURAGE REUSE, RECYCLING, AND REDUCTION IN THE USE
24 OF PLASTIC CARRYOUT BAGS; AND

25 ~~(V)~~ (VI) INCLUDES THE MAILING ADDRESS OR
26 ELECTRONIC MAIL ADDRESS OF THE PLASTIC CARRYOUT BAG MANUFACTURER.

27 (B) EACH PLASTIC CARRYOUT BAG MANUFACTURER SHALL BE
28 RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH THE DEVELOPMENT AND
29 IMPLEMENTATION OF THE PLAN REQUIRED UNDER SUBSECTION (A) OF THIS
30 SECTION.

1 (C) THE DEPARTMENT SHALL:

2 (1) DEPOSIT ANY FEES COLLECTED UNDER SUBSECTION (A)(2)
3 OF THIS SECTION IN THE STATE RECYCLING TRUST FUND ESTABLISHED UNDER
4 § 9-1707(F) OF THIS SUBTITLE;

5 (2) WITHIN 30 DAYS AFTER RECEIVING A PLAN REQUIRED BY
6 SUBSECTION (A) OF THIS SECTION, POST ON THE DEPARTMENT'S WEB SITE THE
7 DRAFT PLAN AND NOTICE OF A 30-DAY PERIOD FOR THE SUBMISSION OF
8 WRITTEN COMMENTS ON THE PLAN TO THE PLASTIC CARRYOUT BAG
9 MANUFACTURER; ~~AND~~

10 (3) REVIEW EACH DRAFT PLAN REQUIRED BY SUBSECTION (A) OF
11 THIS SECTION; AND

12 (4) (I) APPROVE THE DRAFT PLAN; OR

13 (II) REQUIRE REVISION OF THE DRAFT PLAN.

14 (D) ~~THE DEPARTMENT MAY COMMENT ON A PLAN REQUIRED BY~~
15 ~~SUBSECTION (A) OF THIS SECTION.~~

16 ~~(E)~~ A PLASTIC CARRYOUT BAG MANUFACTURER WHO HAS DEVELOPED
17 A PLAN REQUIRED BY SUBSECTION (A) OF THIS SECTION SHALL:

18 (1) ACCEPT WRITTEN COMMENTS REGARDING THE DRAFT PLAN
19 DURING THE 30-DAY PERIOD FOLLOWING POSTING OF THE DRAFT PLAN AND
20 NOTICE ON THE DEPARTMENT'S WEB SITE; AND

21 (2) WITHIN 30 DAYS AFTER RECEIPT OF ANY COMMENTS:

22 (I) RESPOND IN WRITING TO EACH PERSON SUBMITTING
23 COMMENTS; AND

24 (II) REVISE THE PLAN, IF ~~APPLICABLE~~ REQUIRED BY THE
25 DEPARTMENT, AND SUBMIT THE REVISED PLAN TO THE DEPARTMENT FOR
26 POSTING ON THE DEPARTMENT'S WEB SITE REVIEW.

27 ~~(F)~~ (E) (1) A PLAN REQUIRED BY SUBSECTION (A) OF THIS
28 SECTION SHALL BE CONSIDERED FINAL:

29 ~~(1)~~ (I) 1. AT THE END OF THE 30-DAY COMMENT PERIOD IF
30 NO COMMENTS ARE SUBMITTED REGARDING THE DRAFT PLAN WITHIN THAT
31 PERIOD; OR

1 ~~(2)~~ **2. AFTER THE PLASTIC CARRYOUT BAG**
2 **MANUFACTURER RESPONDS IN WRITING TO ALL COMMENTS THAT ARE**
3 **SUBMITTED REGARDING THE PLAN WITHIN THE 30-DAY COMMENT PERIOD AND,**
4 **IF APPLICABLE, SUBMITS A REVISED DRAFT PLAN TO THE DEPARTMENT; AND**

5 **(II) AFTER THE DEPARTMENT HAS APPROVED THE DRAFT**
6 **PLAN.**

7 **(2) THE DEPARTMENT SHALL POST THE FINAL PLAN ON THE**
8 **DEPARTMENT'S WEB SITE WITHIN 30 DAYS AFTER APPROVING THE PLAN.**

9 **9-1736.**

10 **ON OR BEFORE JANUARY 1, 2014, TO ENHANCE PUBLIC ACCESS,**
11 **EDUCATION, AND RECYCLING OF PLASTIC CARRYOUT BAGS, EACH PLASTIC**
12 **CARRYOUT BAG MANUFACTURER SHALL:**

13 **(1) ESTABLISH A WEB-BASED PROGRAM TO EDUCATE RESIDENTS**
14 **OF THE STATE ABOUT RECYCLING PLASTIC CARRYOUT BAGS AND RECYCLING**
15 **LOCATIONS; AND**

16 **(2) DEVELOP EDUCATIONAL MATERIALS TO ENCOURAGE REUSE,**
17 **RECYCLING, AND REDUCTION OF THE USE OF PLASTIC CARRYOUT BAGS AND**
18 **MAKE THE EDUCATIONAL MATERIALS AVAILABLE TO RETAILERS.**

19 **9-1737.**

20 **BEGINNING JANUARY 1, 2014, EACH PLASTIC CARRYOUT BAG**
21 **MANUFACTURER SHALL ESTABLISH GOALS TO INCLUDE AT LEAST 30% TOTAL**
22 **RECYCLED CONTENT IN THE PLASTIC CARRYOUT BAGS IT MANUFACTURES FOR**
23 **USE OR DISTRIBUTION IN THE STATE BY 2020.**

24 **9-1738.**

25 **(A) BEGINNING JANUARY 1, 2014, A RETAILER MAY NOT PURCHASE**
26 **PLASTIC CARRYOUT BAGS DIRECTLY FROM A PLASTIC CARRYOUT BAG**
27 **MANUFACTURER FOR USE OR DISTRIBUTION IN THE STATE UNLESS:**

28 **(1) THE PLASTIC CARRYOUT BAG MANUFACTURER IS**
29 **REGISTERED WITH THE DEPARTMENT IN ACCORDANCE WITH § 9-1735 OF THIS**
30 **PART;**

1 **(2) THE PLASTIC CARRYOUT BAG MANUFACTURER'S FINAL PLAN**
2 **IS POSTED ON THE DEPARTMENT'S WEB SITE IN ACCORDANCE WITH § 9-1735**
3 **OF THIS PART; AND**

4 **(3) THE NAME OF THE PLASTIC CARRYOUT BAG MANUFACTURER**
5 **IS PRINTED OR DISPLAYED ON THE BAG IN A MANNER THAT IS READILY**
6 **IDENTIFIABLE IN ACCORDANCE WITH § 9-1733 OF THIS PART.**

7 **(B) BEGINNING JANUARY 1, 2014, A DISTRIBUTOR OR WHOLESALER**
8 **MAY NOT PURCHASE PLASTIC CARRYOUT BAGS FROM A PLASTIC CARRYOUT BAG**
9 **MANUFACTURER FOR USE OR DISTRIBUTION TO A RETAILER IN THE STATE**
10 **UNLESS:**

11 **(1) THE PLASTIC CARRYOUT BAG MANUFACTURER IS**
12 **REGISTERED WITH THE DEPARTMENT IN ACCORDANCE WITH § 9-1735 OF THIS**
13 **PART;**

14 **(2) THE PLASTIC CARRYOUT BAG MANUFACTURER'S FINAL PLAN**
15 **IS POSTED ON THE DEPARTMENT'S WEB SITE IN ACCORDANCE WITH § 9-1735**
16 **OF THIS PART; AND**

17 **(3) THE NAME OF THE PLASTIC CARRYOUT BAG MANUFACTURER**
18 **IS PRINTED OR DISPLAYED ON THE BAG IN A MANNER THAT IS READILY**
19 **IDENTIFIABLE IN ACCORDANCE WITH § 9-1733 OF THIS PART.**

20 **9-1739.**

21 **ON OR BEFORE JANUARY 1, 2015, AND EACH YEAR THEREAFTER, EACH**
22 **PLASTIC CARRYOUT BAG MANUFACTURER SHALL SUBMIT TO THE DEPARTMENT**
23 **A REPORT ON THE IMPLEMENTATION OF THE COLLECTION AND RECYCLING**
24 **PLAN DURING THE PRECEDING CALENDAR YEAR THAT INCLUDES:**

25 **(1) A DESCRIPTION OF THE PLASTIC CARRYOUT BAG**
26 **MANUFACTURER'S COLLECTION AND RECYCLING PROGRAM, INCLUDING**
27 **COLLECTION ~~AND PROCESSING~~ LOCATIONS, RECYCLING METHODS, SIGNAGE AT**
28 **COLLECTION LOCATIONS, ANY OTHER INVOLVED PERSONS, AND ANY CHANGES**
29 **SINCE THE PREVIOUS REPORT;**

30 **(2) THE TOTAL WEIGHT IN POUNDS OF PLASTIC CARRYOUT BAGS**
31 **COLLECTED AND ~~PROCESSED FOR RECYCLING~~ RECYCLED BY THE PLASTIC**
32 **CARRYOUT BAG MANUFACTURER;**

1 **(3) THE TOTAL WEIGHT IN POUNDS OF PLASTIC CARRYOUT BAGS**
2 **SOLD FOR USE OR DISTRIBUTION IN THE STATE BY THE PLASTIC CARRYOUT BAG**
3 **MANUFACTURER;**

4 **(4) THE TOTAL WEIGHT IN POUNDS OF POSTCONSUMER PLASTIC**
5 **CARRYOUT BAGS THAT WERE PURCHASED FOR SALE OR DISTRIBUTION IN THE**
6 **STATE BY THE PLASTIC CARRYOUT BAG MANUFACTURER;**

7 **(5) THE TOTAL WEIGHT IN POUNDS OF POSTCONSUMER PLASTIC**
8 **CARRYOUT BAGS THAT WERE USED IN THE MANUFACTURE OF NEW PLASTIC**
9 **BAGS FOR SALE OR DISTRIBUTION IN THE STATE BY THE PLASTIC CARRYOUT**
10 **BAG MANUFACTURER;**

11 **(6) THE PERCENTAGE OF PRE-CONSUMER RECYCLED CONTENT**
12 **AND POSTCONSUMER RECYCLED CONTENT IN THE PLASTIC CARRYOUT BAGS**
13 **SOLD FOR USE OR DISTRIBUTION IN THE STATE BY THE PLASTIC CARRYOUT BAG**
14 **MANUFACTURER;**

15 **(7) SAMPLES OF EDUCATIONAL MATERIALS PROVIDED TO**
16 **RETAILERS AND CONSUMERS BY THE PLASTIC CARRYOUT BAG MANUFACTURER;**

17 **(8) THE RESULTS OF ANY CONSUMER SURVEYS DEMONSTRATING**
18 **AWARENESS OF PLASTIC CARRYOUT BAG RECYCLING LOCATIONS; AND**

19 **(9) THE DETAILS OF ANY ADDITIONAL MEASURES THE PLASTIC**
20 **CARRYOUT BAG MANUFACTURER TOOK TO ENCOURAGE PLASTIC BAG**
21 **RECYCLING, INCLUDING ANY RECYCLING CAMPAIGNS, PROMOTIONS, AND**
22 **EVENTS.**

23 **9-1740.**

24 **BEGINNING ~~APRIL 1, 2015,~~ OCTOBER 1, 2013, THE DEPARTMENT SHALL:**

25 **(1) MAINTAIN AND POST ON ITS WEB SITE A LIST OF ALL**
26 **COLLECTION LOCATIONS IDENTIFIED IN THE PLANS AND ANNUAL REPORTS**
27 **SUBMITTED BY PLASTIC CARRYOUT BAG MANUFACTURERS IN ACCORDANCE**
28 **WITH § 9-1739 OF THIS PART; AND**

29 **(2) MAINTAIN AND POST ON ITS WEB SITE, AND IN OTHER**
30 **FORMATS AS DETERMINED BY THE DEPARTMENT, A LIST OF REGISTERED**
31 **PLASTIC CARRYOUT BAG MANUFACTURERS.**

32 **9-1741.**

1 **THIS PART DOES NOT PROHIBIT THE ADOPTION, IMPLEMENTATION, OR**
2 **ENFORCEMENT OF ANY LOCAL ORDINANCE, RESOLUTION, REGULATION, OR**
3 **RULE GOVERNING CURBSIDE OR DROP-OFF RECYCLING PROGRAMS OPERATED**
4 **BY, OR IN ACCORDANCE WITH, A CONTRACT WITH A COUNTY OR MUNICIPALITY,**
5 **INCLUDING ANY ACTION RELATING TO FEES FOR THESE PROGRAMS.**

6 **9-1742.**

7 **(A) A PERSON WHO VIOLATES ANY PROVISION OF THIS PART IS LIABLE**
8 **FOR A CIVIL PENALTY NOT EXCEEDING:**

9 **(1) ~~\$100~~ \$500 FOR A FIRST VIOLATION;**

10 **(2) ~~\$250~~ \$1,000 FOR A SECOND VIOLATION; AND**

11 **(3) ~~\$500~~ \$1,500 FOR A THIRD OR SUBSEQUENT VIOLATION.**

12 **(B) (1) IF A LOCAL GOVERNMENT INITIATES A CIVIL ACTION TO**
13 **ENFORCE THIS PART, THE LOCAL GOVERNMENT SHALL RECOVER THE CIVIL**
14 **PENALTIES SPECIFIED IN THIS SECTION.**

15 **(2) IF THE STATE INITIATES A CIVIL ACTION TO ENFORCE THIS**
16 **PART, THE CIVIL PENALTIES RECOVERED UNDER THIS SECTION SHALL BE**
17 **DEPOSITED IN THE STATE RECYCLING TRUST FUND, ESTABLISHED UNDER §**
18 **9-1707(F) OF THIS SUBTITLE.**

19 **9-1743.**

20 **THE DEPARTMENT ~~SHALL~~ MAY ADOPT REGULATIONS TO IMPLEMENT**
21 **THIS PART.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
23 construed to prohibit a retailer from recycling plastic carryout bags in the same
24 manner that the retailer recycled plastic carryout bags before the effective date of this
25 Act.

26 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That, on or before January
27 1, 2017, the Secretary of the Environment shall report to the General Assembly, in
28 accordance with § 2-1246 of the State Government Article, on:

29 (1) The statewide results of the plastic carryout bag collection and
30 recycling program implemented under this Act; and

31 (2) Findings and recommendations on whether the plastic carryout
32 bag collection and recycling program should be made permanent and, if so, any

1 modifications that should be made to improve the function and efficiency of the
2 program.

3 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
4 effect October 1, 2012. It shall remain effective for a period of 8 years and, at the end
5 of September 30, 2020, with no further action required by the General Assembly, this
6 Act shall be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.